



## OFFICE OF PLANNING STATE OF HAWAII

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December 16, 2019

To: Daniel Orodener, Executive Officer  
State Land Use Commission

From: Mary Alice Evans, Director  
Office of Planning

*Mary Alice Evans*

Subject: A18-806 Barry Family Trust

Draft Environmental Assessment and Finding of No Significant Impact  
Proposed Barry Family Project; Keaau, Hawaii  
TMK: (3) 1-5-059: 059

2019 DEC 16 P 1:50  
LAND USE COMMISSION  
STATE OF HAWAII

Thank you for the opportunity to provide comments on the Draft Environmental Assessment and a Finding of No Significant Impact (Draft EA-FONSI) for the Barry Family Trust land reclassification.

The Barry Family Trust property is located within the State Land Use Conservation District. The Barry Family Trust (Petitioner) is asking the State Land Use Commission (LUC) in Docket Number A18-806 to reclassify the land from the State Conservation District to the State Agricultural District to construct a single-story dwelling and related infrastructure for agricultural use.

The property is a 0.51-acre (22,215.6 sq. ft.), vacant and undeveloped parcel within the Hawaiian Paradise Park subdivision along the shoreline in Keaau, Puna, Hawaii. All the surrounding parcels are within the State Agricultural District. The Petitioner notes that almost all the other oceanfront lots within Hawaiian Paradise Park were reclassified from the Conservation District to the Agricultural District under a single petition, LUC Docket Number A76-419. The Barry Family Trust parcel was originally included in this petition but was removed from the final Decision and Order only after attempts to contact the then-owner of the property failed.

The proposed dwelling unit will consist of a single-story, 1,800-square foot, three-bedroom, two-bath structure for use by the Barry family as their primary personal residence. The project will also include a two-car garage, a lanai, a courtyard, a small swimming pool, infrastructure (private water well, including an underground water storage tank, or private catchment system, underground individual wastewater system, and photovoltaic solar system), and landscaping.

Under Hawaii Revised Statutes § 205.4.5(a)(4), the dwelling unit is a permissible use as a farm dwelling if it is used in connection with a farm or where agricultural activity provides income to the occupants of the unit. The Petitioner is considering agricultural uses for the property appropriate to the poor soil conditions (rated "E" by the Land Study Bureau), small size of the lot, and proximity

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to the Pacific Ocean, such as a greenhouse nursery, aquaponics, native plant propagation, and beekeeping. Petitioner proposes to generate income from the agricultural use through sales at local farmers' markets and/or roadside stand.

Our previous response letter to an Early Consultation Request dated April 1, 2019 requested that the Draft EA:

- Discuss several land use issues, especially the project's impact on the existing inventory of conservation resources, the property's potential agricultural use, and the inclusion of a cultural impact analysis with specific findings as required by the Hawaii Supreme Court's Ka Paakai ruling.
- Examine the project's relevancy with the provisions of Hawaii Revised Statutes (HRS) Chapter 226, the Hawaii State Planning Act;
- Assess the project's adherence with HRS § 205A-2, the objectives and supporting policies of the Hawaii Coastal Zone Management (CZM) program.
- Evaluate the project in relation to the special management area (SMA) and shoreline setback as designated by the County of Hawaii;
- Appraise the project site's exposure and vulnerability to natural hazards linked to climate change, such as sea level rise; and
- Consider the project's impact on coastal and surface water resources resulting from stormwater runoff. The analysis should include a critique on drainage infrastructure, erosion/sediment controls, and water quality impacts.

The Office of Planning (OP) has reviewed the Draft EA-FONSI and acknowledges that our comments above have been addressed. If you have any questions, please contact Aaron Setogawa of our Land Use Division at (808) 587-2883 or Joshua Hekekoa of our CZM program at (808) 587-2845.

Sincerely,



Mary Alice Evans  
Director

c: Kevin M. Barry and Monica S. Barry  
Derek B. Simon, Esq.  
Ron Terry, Ph.D.